

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PFG VENTURES, L.P.,

Plaintiff,

vs.

BRANDON C. KENNEDY, *et al.*,

Defendants.

) CASE NO. 1:22-CV-01177-JPC
)
)
) JUDGE J. PHILIP CALABRESE
)
) MAGISTRATE JUDGE
) JONATHAN D. GREENBERG
)
) **MEMORANDUM OPINION & ORDER**
)
)

This matter has been referred to the undersigned to resolve any discovery disputes the parties may raise in advance of the preliminary injunction hearing set for July 12, 2022. (Non-document Order dated July 7, 2022.) Plaintiff's counsel contacted the Court on the morning of July 11, 2022, asking for a discovery conference. The Court held a discovery conference as requested, in which Plaintiff's counsel raised two discovery disputes: (1) whether defendant American Business Products ("American") can redact the name of franchise owners with whom it has communicated with over the past two years from its document production and (2) whether defendant Brandon Kennedy can designate financial statements for his business, defendant BKEN, Inc., as "Attorneys' Eyes Only." After hearing argument from both sides, the Court ORDERS as follows.

"As an initial matter, the Federal Rules of Civil Procedure were written to facilitate the discovery of relevant evidence proportional to the needs of each case. Rule 26 authorizes relatively expansive discovery, subject to the considerations set forth in Rule 26(b)(1). Further, a court has broad discretion over discovery matters, *Trepel v. Roadway Express, Inc.*, 194 F.3d 708 (6th Cir. 1999)" *State Farm Mut. Auto. Ins. Co. v. Pointe Physical Therapy*, 255 F. Supp. 3d 700, 704 (E.D. Mich. 2017).

Regarding the names of the franchise owners American communicated with over the past two years, the Court finds that, at this time and for purposes of discovery in advance of tomorrow's preliminary injunction hearing, Plaintiff shall provide American with the names of the nine franchisees it believes American communicated with over the past two years and American shall confirm or deny those names to Plaintiff's counsel.¹ The names of the confirmed franchisees shall not be redacted from the documents produced by American in advance of tomorrow's hearing. American may redact any other franchisee names from its document production in advance of tomorrow's hearing.

Regarding BKEN, Inc.'s financial statements, at this time and for purposes of discovery in advance of tomorrow's preliminary injunction hearing, the Court finds the "Attorneys' Eyes Only" designation, as opposed to a "Confidential" designation, is appropriate.

IT IS SO ORDERED.

Date: July 11, 2022

s/ Jonathan Greenberg
Jonathan D. Greenberg
United States Magistrate Judge

¹ During a second discovery conference, counsel for American stated he had confirmed the names of the nine franchisees that Plaintiff provided. In addition, counsel for American stated there were another potential five to ten additional franchisees with whom American may have communicated over the past two years. For purposes of discovery in advance of tomorrow's preliminary injunction hearing, Plaintiff may still advance its argument without knowing the identities of the additional five to ten franchisees.